

### **REMARKS**

After entry of this amendment, claims 1-22 are pending. In the present Office Action, claims 9-19 were rejected under 35 U.S.C. § 101. Claims 1-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cooper, U.S. Publication 2004/0103331 ("Cooper") in view of Minamizawa, U.S. Patent 6,065,074 ("Minamizawa"). Applicants respectfully traverse these rejections and request reconsideration.

#### **Section 103(a) Rejection:**

Applicants respectfully submit that each of claims 1-22 recites a combination of features not taught or suggested in the cited art. For example, claim 1 recites a combination of features including: "in response to a cold reset in a computer system, initializing a plurality of indications in a nonvolatile memory to a first state...and ... the executing comprising changing a first indication of the plurality of indications to a second state."

The Office Action alleges that Cooper's flag bits corresponding to the BIOS resume tasks teach the plurality of indications, and acknowledges that Cooper does not teach changing the state of his flag bits during execution of the corresponding BIOS resume task (see Office Action, page 3, lines 6-7). The Office Action then asserts that Minamizawa teaches changing a task flag to an "on" state, and alleges that claim 1 would be obvious in view of the combination. Applicants respectfully disagree.

Applicants respectfully submit that to modify Cooper to reset his flag bits would make Cooper non-functional. Cooper teaches that the flag bits identify which of a common set of BIOS resume tasks should be executed in response to a wakeup event, dependent upon a type of operating system that is used on the computer system. Unneeded tasks are skipped. The flag bits are used to identify which tasks are needed and which are not needed. Accordingly, if the flag bits are modified during execution of the corresponding tasks, the data structure in Cooper would no longer reflect which BIOS resume tasks need to be executed. A subsequent wakeup event would fail, because

Cooper only loads the flag bits during initialization of the system, and not as part of each wakeup event.

For example, Cooper teaches: "once the OS type is known, an OS-type specific set of BIOS resume tasks are performed in response to an S2 or S3 wake event. In one embodiment, this is accomplished by storing data comprising a common set of BIOS resume tasks (i.e., a "generic" set of BIOS resume tasks including tasks that may be used by various applicable operating systems) along with a flag field for each task, as shown by a BIOS resume task table 100 in FIG. 1. BIOS resume task table 100 includes a BIOS RESUME TASK column 102, and a FLAG column 104. In one embodiment the BIOS RESUME TASK column includes a set of generic BIOS resume tasks that are selectively dispatched for execution sequentially in accordance with each task's corresponding FLAG field value. For example, operations having a flag value of "1" are dispatched for execution, while operations having a flag value of "0" are skipped." (Cooper, paragraph 54).

Furthermore, the Office Action alleges that the proposed combination of Cooper and Minamizawa would be obvious because changing the flag bit would eliminate redundantly executing the same task, citing Minamizawa col. 7, lines 13-15. Applicants respectfully disagree. Minamizawa teaches using the "on" status to prevent simultaneous redundant execution of the same task. For example, Minamizawa teaches "When a task is executed, the corresponding flag of the task is turned on. When the task presently being executed is completed, then the corresponding flag for that task is turned off." Accordingly, the CPU 31 can determine which task is presently being executed by investigating the ON and OFF status of its corresponding flag. For example, when the CPU 31 determines in S3 that the task to be executed is the copy task, then in S4, it determines whether the flag corresponding to the copy task is ON or OFF....If in S4, the CPU 31 determines that the flag corresponding to the task to be executed is turned on, then this means that the task to be executed is already being executed. Therefore, the routine is ended here. As a result, the same task will not be redundantly executed so that

the task presently being executed can be properly continued." (Minamizawa, col. 6, lines 58-68 and col. 7, lines 9-15).

Cooper methodically steps through the list of BIOS resume tasks, either dispatching or not dispatching each task based on the corresponding flag bit. Accordingly, Cooper does not ever generate the simultaneous redundant execution described in Minamizawa. Minamizawa's multi-function peripheral device does have situations in which the same task would otherwise be redundantly executed (e.g. serving requests from multiple input ports for the same function, noise, user error, etc.). Accordingly, it would not be obvious to use Minamizawa's teachings because Cooper does not generate the scenario that Minamizawa attempts to address with his on or off state for his tasks.

For at least all of the above stated reasons, Applicants submit that Cooper and Minamizawa fail to present a *prima facie* case of obviousness for claim 1. Accordingly, Applicants submit that the rejection of claim 1 is not supported in the art and should be withdrawn. The rejections of claims 2-8 and 20, which depend from claim 1, are similarly not supported in the art for at least the above stated reasons, and thus the rejection should be withdrawn. Each of claims 2-8 and 20 recite additional combinations of features not taught or suggested in the cited art.

Claims 9 and 19 each recite a combination of features including: "a first one or more instructions which, when executed in response to a cold reset in a computer system, initialize a plurality of indications to a first state...and a first task of the plurality of tasks comprising a second one or more instructions, wherein the second one or more instructions, when executed, change a first indication of the plurality of indications to a second state". The same teachings of Cooper and Minamizawa highlighted above with regard to claim 1 are alleged to teach the above highlighted features of claims 9 and 19. Applicants respectfully submit that Cooper and Minamizawa do not teach or suggest the above highlighted features of claims 9 and 19, either. Accordingly, Applicants respectfully submit that the rejections of claims 9 and 19 are not supported in the art and

should be withdrawn. The rejections of claims 10-18 and 21, which depend from claim 9, and the rejection of claim 22, which depends from claim 19, are similarly not supported in the art for at least the above stated reasons, and thus the rejection should be withdrawn. Each of claims 10-18 and 21-22 recite additional combinations of features not taught or suggested in the cited art.

**Section 101 Rejection:**

The Office Action alleges that claim 9-19 are directed to non-statutory subject matter. Specifically, the Office Action alleges that the computer accessible medium is defined to include non-statutory subject matter such as signals. Applicants respectfully disagree. The specification defines a computer accessible medium as including: "a computer accessible medium may include ... media accessible via transmission media or signals such as electrical, electromagnetic, or digital signals, conveyed via a communication medium such as a network and/or a wireless link." (specification, page 11, lines 4-7). Thus, the specification does not define the computer accessible medium as including signals, but rather media that are accessible via signals. For example, the media may be accessed over a network or wireless link, and thus need not be part of the computer or inserted into the computer to be accessible to the computer. Accordingly, Applicants respectfully submit that the computer accessible medium is statutory.

### CONCLUSION

Applicants submit that the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant(s) hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5500-95500/LJM.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☒ Please debit the above deposit account in the amount of \$100 for 2 excess claims over 20.
- ☐ Other:

Respectfully submitted,



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